

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS ACEVEDO GARCIA, et al.
Plaintiffs

vs.

HON. ROBERTO VERA MONROIG, et al.
Defendants

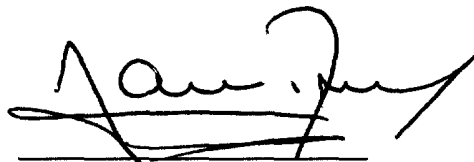
CIVIL NO. 97-2639 (JP)

ORDER

Right after the parties present their opening statements at the beginning of trial, the Court will make a statement pertaining to uncontested facts. This statement is attached hereto.

Date:

10/5/01



JAIME PIERAS, JR.
U.S. Senior District Judge



w/attachments

173

LUIS A. ACEVEDO GARCIA, ET AL. Plaintiffs v. HON. ROBERTO VERA
MONROIG ET AL. Defendants.
CIVIL 97-2639(JP)

UNCONTESTED FACTS

(to be read by the Judge to jury at the closing of opening statements)

Ladies and Gentlemen of the Jury, I now instruct you that the parties have entered into agreements which constitute uncontested facts and are part of the evidence in this case. I shall read these facts to you and I shall provide you with a copy of them at the end of trial.

Before the start of this trial, the parties in this case stipulated and agreed to the following facts:

1. All Plaintiffs in this action are career employees of the Municipality of Adjuntas.
2. On April 2, 1997, through Ordinance 25, Series 1997-98, the Municipality approved a lay-off plan.
3. In October 1997, Plaintiffs were laid-off by Defendants.
4. All Plaintiffs are members of the New Progressive Party ("NPP").
5. All Defendants are members of the Popular Democratic Party ("PDP").
6. All Plaintiffs held non-policy making positions with the Municipality of Adjuntas.
7. Ana Figueroa Latorre, and Haydeé Maldonado are both Laid-off employees who are not plaintiffs in this action. They will both testify that they are PDP affiliates and that they were laid-off by the Municipality of Adjuntas.
8. A NPP candidate, Rigberto Ramos won the Adjuntas mayoral race for the first time in 1972; prior to that time, PDP candidates held office. Rigberto Ramos held the office from January 1973 through 1976. From January 1977 through 1980, the office was held by a PDP affiliate. Rigberto Ramos again captured the office of mayor of Adjuntas in 1980 and held the office for four terms, through 1996. In 1997,

CIVIL NO. 97-2639 (JP)

2

Defendant Roberto Vera Monroig, a member of the PDP was elected to the office of mayor of Adjuntas.

9. The PDP and Defendant Mayor Vera, president of the PDP in Adjuntas, won the November 1996 elections in the Municipality of Adjuntas.
10. Defendant Vera has served as Mayor of Adjuntas since January 14, 1997.
11. Defendant González, a member of the PDP, has served as the Director of Human Resources of Adjuntas since January 14, 1997.
Rigoberto Ramos, an NPP member, is the former Mayor of Adjuntas, and held the office of Mayor from January 1973 through 1980, and from 1989 through 1996.
12. During Mayor Vera's first year in office, he laid off 102 municipal employees, including approximately eleven or twelve who were affiliated with the PDP. Of these, 88 filed this action. None of the Plaintiffs to this action were fired from trust positions - i.e., positions for which political affiliation is an appropriate criterion.
13. During the period from 1989 to the beginning of the PDP administration, the Municipality had hired 115 employees, two of which were affiliated with the PDP.
14. In January of 1997, Adjuntas employed 229 regular employees, and many departments were so overstaffed that some employees did not have desks.
15. Also during this time period, 25 municipal employees worked for state agencies and another 24 worked for private corporations.
16. The salaries of these employees were paid with municipal funds.
On April 30, 1996, the Puerto Rico Comptroller's Office issued an audit report, M-96-14, indicating that the Municipality had a deficit of at least \$1,000,000 per year since 1985.
17. On January 13, 1997, Mayor Vera requested a financial situation study from a Certified Public Accountant, Reinaldo Ramírez ("C.P.A. Ramírez"), and the report was delivered on

CIVIL NO. 97-2639 (JP)

3

May 8, 1997.

18. On or around February 17, 1997, Mayor Vera also contacted Guerra, Chiesa, Rivera, Inc., Management and Human Resource Consultants ("Human Resource Consultants"), and requested an evaluation of all personnel files of Municipality employees.
19. Human Resource Consultants prepared a "Layoff Plan for Municipality of Adjuntas Employees" ("Layoff Plan") in March 1997.
20. The Autonomous Municipalities Act, 21 L.P.R.A. § 4551, as amended in 1995, or "Law 81," requires Municipalities to approve any layoff plan.
21. On April 2, 1997, the Adjuntas Municipal Assembly approved and enacted the Layoff Plan for the Municipality, Ordinance No. 25 (1996-97).
22. A copy of the plan was given to each municipal employee during the week of April 11, 1997.
23. In May 1997, Mayor Vera held a meeting with C.P.A. Ramírez, Human Resource Consultants, and other Municipality officials to discuss the financial report rendered by C.P.A. Ramírez.
24. The report concluded that the Municipality had a budget deficit of over \$5,000,000 and long term debts of \$2,000,000.
25. Based on this meeting and the conclusions of the financial report, Mayor Vera gave instructions to implement the Layoff Plan.
26. Starting in May 1997 and for the following six months, Human Resource Consultants and Municipality officials evaluated each personnel file to assess the seniority of Adjuntas employees.
27. Human Resource Consultant Luz M. Guerra held meetings with each department head to establish the minimum number of positions needed to render services.
28. In July 1997, a list of the positions that could be eliminated was prepared by Human Resource Consultants.

CIVIL NO. 97-2639 (JP)

4

29. On July 29, 1997, notice was sent to all career employees indicating the initial date of public service employment and the accumulated years of public service for each employee.
30. Each employee was also notified that he or she could submit evidence of further public service if the information provided by the Municipality was incorrect.
31. On or about the first week of September 1997, Human Resource Consultants and Municipality officials prepared the list of employees that would be affected by the Layoff Plan.
32. On September 11, 1997, a letter of severance was sent to 105 employees.
33. The affected employees were also notified of their right to appeal the layoff decision to the Personnel Administration Systems Board of Appeals.
34. On September 12, 1997, the Municipality posted a list of all employees and their seniority.
35. On September 30, 1997, a letter was sent to employees affected by the Layoff Plan, offering them an orientation program in coordination with the Department of Labor and Human Resources to help them search for new jobs.
36. On October 15, 1997, lists of employees both affected and unaffected by the Layoff Plan were posted.
37. In addition, the Municipality extended the effective date of the layoff from October 15, 1997 to October 31, 1997.
38. Three of the 105 employees affected by the Layoff Plan were found, upon further evaluation, to have more public service time than previously believed, and therefore, these employees were removed from the layoff list.
39. A second letter was sent to the affected employees on October 15, 1997, informing them of their right to appeal the layoff decision.
40. Two of the affected employees exercised their right to appeal.
41. A severance plan for the Municipality became effective

CIVIL NO. 97-2639 (JP)

5

October 31, 1997, affecting 11 PDP employees whose public service ranged from four to 29 years.

42. On November 19, 1997, the Adjuntas Municipal Assembly eliminated the 102 positions affected by the implementation of the Layoff Plan and readjusted the budget accordingly through Ordinance No. 20 (1997-98).
43. Defendants have hired a total of 77 employees since January 1, 1997 into Municipal positions under state funded programs as contract employees.
44. Since laying Plaintiffs off, the Municipality has employed, hired, or contracted other persons, on a temporary basis, some of whom are Plaintiffs to this action.

The facts that I have just read to you are uncontroverted, and you should assume that they are true.